

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Shawn Curry-Rakesh,

Civil No. 13-3113 (DWF/FLN)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Commissioner of Human Services
Lucinda Jesson,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated November 22, 2013. (Doc. No. 4.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Franklin L. Noel's November 22, 2013 Report and Recommendation (Doc. No. [4]) is **ADOPTED**.
2. Petitioner's application for a writ of habeas corpus (Doc. No. [1]) is **DENIED**.
3. This action is **DISMISSED**.

4. Petitioner shall **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 10, 2013

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge